

LAW OFFICES OF LAUREN GOLDBERG, PLLC

3 Columbus Circle, 15th Floor

New York, New York 10019

lg@lgoldberglaw.com

TELEPHONE: (646) 452-8380

FACSIMILE: (646) 452-8663

July 22, 2022

VIA ECF

Honorable Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Hernandez et al v. The Money Source
17 CV 6919 (GRB)(AYS)

Hon. Gary R. Brown:

I am writing to respectfully request leave to submit brief portions of the deposition testimony of Vito Di Pietro pursuant to Rule 32 (a)(4)(D) and (E) at trial.

Shortly after submitting my letter to the Court [Document 166], Defendant informed me that Mr. Di Pietro is on vacation and unavailable for trial.

The reading of Mr. Di Pietro's deposition testimony should take no more than 5-10 minutes.

Plaintiffs would be prejudiced were it not permitted to introduce portions of Mr. Di Pietro's deposition testimony in rebuttal as it directly contradicts the testimony of Lauren Jara. While Defendant indicated that Anasha Persuad is available for trial, upon further review of her testimony as well as Mr. Di Pietro's testimony, Mr. Di Pietro's testimony rebuts Ms. Jara's testimony significantly more and is important for the plaintiffs to rebut the Defendant's defense.

Upon the introduction of Mr. DiPietro's deposition testimony, no further witness will be necessary on the issue of the town hall meeting aside from plaintiffs' brief testimony.

In fairness, Plaintiffs should be permitted the foregoing relief. Defendants have been granted the opportunity to offer the deposition testimony of Mike Mirshahzadeh pursuant to Rule 32 during the course of this trial despite him being listed as Defendant witness for about a year prior to trial.

Prior to my submitting this letter, I reached out to Defendant and they do not consent to my application.

Should the Court want the direct statements of Mr. Di Pietro that rebut the testimony of Lauren Jara, I will provide upon the Court's direction.

Respectfully Submitted,

/s/

Lauren Goldberg

cc: Frank Giglio, Esq Counsel for Defendant (via ECF)
cc: Robert Goner, Esq. Counsel for Defendant (via ECF)
cc: Joseph M. Labuda, Counsel for Defendant (via ECF)
cc: Michael James Mauro, Counsel for Defendant (via ECF)